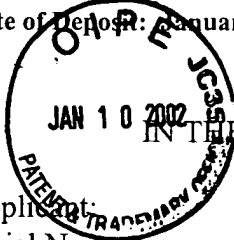


Express Mail No. EV0542987 US
Date of Deposit: January 10, 2002

Attorney Docket No. 19282-025



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon C.R. Bennett
Serial No.: 09/844,216
Filing Date: April 30, 2001
Title: DATA PACKET DISCARDING
Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned

Commissioner for Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL LETTERS

Sir:

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Enclosed herewith for filing in the above-identified patent application please find the following listed items:

1. Information Disclosure Statement,
2. PTO Form 1449;
3. Copy of Cited References; and
4. Return Postcard.

In connection with the foregoing matter, please charge any additional fees which may be due, or credit any overpayment, to Deposit Account Number 50-0311, Reference 19282-025.

A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,

Shane H. Hunter
Registration No. 41,858
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
One Financial Center,
Boston, Massachusetts 02111
Telephone 617/348-1765

Date: January 10, 2002

Express Mail No. EV054298525US
Date of Deposit: January 10, 2002



Attorney Docket No. 19282-025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon C.R. Bennett
Serial No.: 09/844,216
Filing Date: April 30, 2001
Title: DATA PACKET DISCARDING
Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned

Commissioner for Patents and Trademarks
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 and 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants requests consideration of this Information Disclosure Statement.

PART I: Compliance With 37 C.F.R. §1.97
(Select A, B or C below)

A. ☒ This Information Disclosure Statement has been filed:
(Check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the National Application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International Application.
3. ☒ before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

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B. ☐ This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(Check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that (Check a or b below)
 - a. ☒ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
No fee is required.
 - b. ☐ no item of Information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
No fee is required.

C. ☐ This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

1. The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:

(Check a or b below)

- a. ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Information disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry,

was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. A petition requesting consideration of the Information Disclosure Statement is attached.
3. The petition fee of \$130 as set forth in 37 C.F.R. §1.17(i)(1) is enclosed.

PART II: Information Cited

A. ☒ The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. ☐ The Applicant hereby makes the following additional information of record in the above-identified application:

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified): no non-English language references have been submitted at this time.

PART IV: Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,



Shane H. Hunter
Registration No. 41,858
Attorneys for Applicant
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
One Financial Center,
Boston, Massachusetts 02111
Telephone 617-542-6000

Date: January 10, 2002

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Page 1 of 1

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Serial Number	09/844,216		
				Filing Date	April 30, 2001		
				First Named Inventor	Jon C.R. Bennett		
				Group Art Unit	Not Yet Assigned		
				Examiner Name	Not Yet Assigned		
				Attorney Docket Number	19282-025		
U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
		5,748,629	05/05/98	Caldara et al.	370	389	

FOREIGN PATENT DOCUMENTS							
Exam Initials	Cite No.	Foreign Patent Document Office Number		Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No	

OTHER NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
		Endo, et al., Large Scale Enterprise ATM Node with per-VC Traffic Control; Computer Networks; 31 (1999) 617-625.
		Notification of Transmittal of The International Search Report or the Declaration, mailed 14/12/01.

* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to applicant.

TRA 1615850v1

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